

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMANI E. POWELL,

Plaintiff,

-against-

34 ENDEAVOR HOSPITALITY,

Defendant.

1:24-CV-6620 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff Emani E. Powell, of the Bronx, New York, who is appearing *pro se*, brings this action asserting claims of religion-based employment discrimination under Title VII of the Civil Rights Act of 1964. She sues her former employer, 34 Endeavor Hospitality LLC (“Endeavor”), of Flushing, Queens County, New York. Plaintiff seeks declaratory relief and damages. The Court construes Plaintiff’s complaint as additionally asserting claims religion-based employment discrimination under the New York State and City Human Rights Laws, as well as other claims under state law.

By order dated September 6, 2024, the court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. The Court directs service on Endeavor.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on assistance from the Court and the United States Marshals Service (“USMS”) to effect service.¹

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any

Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service of the complaint on Endeavor, the Clerk of Court is instructed to fill out a USMS Process Receipt and Return form (“USM-285 forms”) for that defendant. The Clerk of Court is further instructed to issue a summons for Endeavor, and deliver to the USMS all the paperwork necessary for the USMS to effect service of a summons and the complaint on Endeavor.

If a summons and the complaint are not served on Endeavor within 90 days after the date that a summons for Endeavor has issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if she fails to do so.

CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court directs service on 34 Endeavor Hospitality LLC.

The Court also directs the Clerk of Court to: (1) issue a summons for 34 Endeavor Hospitality LLC; (2) complete a USM-285 form with the service address for that defendant, and;

summonses be issued. The Court therefore extends the time to serve until 90 days after the date that any summonses issue.

(3) deliver all documents necessary to effect service of a summons and the complaint on that defendant to the USMS.

SO ORDERED.

Dated: October 10, 2024
New York, New York

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge

DEFENDANT AND SERVICE ADDRESS

34 Endeavor Hospitality LLC
158-13 72nd Avenue
Flushing, New York 11365